IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 28TH NOVEMBER 2006 / 7TH AGRAHAYANA 1928

Bail Appl..No. 6795 of 2006()

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CRIME NO.209/06 OF MEDICAL COLLEGE POLICE STATION

PETITIONER:

SHIBU, S/O.VELAPPAN,
KANYAMKULANGARA HOUSE, AISWARYA NAGAR,
KESAVADASAPURAM, PATTOM, TRIVANDRUM.

BY ADV. SRI.N.HARIHARAN
SRI.P.F.FRANCIS
SRI.G.RADHAKRISHNA PILLAI

RESPONDENTS:

THE STATE OF KERALA,
(SUB INSPECTOR OF POLICE, MEDICAL COLLEGE
POLICE STATION, TRIVANDRUM) REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 28/11/2006,THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.

B.A.No. 6795 OF 2006

DATED THIS THE **28th** DAY OF NOVEMBER, 2006

O R D E R

Petitioner, who is the first accused in Crime No.209/06 of Medical College Police Station, Thiruvananthapuram for offences punishable under sections 143, 147, 148, 341, 323, 324 and 308 read with section 34 IPC, seeks anticipatory bail. The occurrence took place on 27.5.2006 at 7.30 AM, when the petitioner along with the other accused in the case are alleged to have formed themselves into an unlawful assembly armed with deadly weapons and attacked the defacto complainant causing several injuries. The FI statement was given from the Medical College Hospital.

2. Petitioner filed B.A.No.5721/06 before this court seeking anticipatory bail in the very same crime. This court was not inclined to grant anticipatory bail. Instead, this court directed the petitioner to surrender before the Investigating Officer on 10.10.2006 between 9.30 and 10 AM and thereupon the Investigating Officer was directed to interrogate him and produce him before the Magistrate concerned on the same date itself at 4.30 PM and the Magistrate was directed to consider the regular bail application, if any, filed by the petitioner.

3. Learned Public Prosecutor on instructions submitted that pursuant to the direction of this court, the petitioner did not surrender before the Investigating Officer, but instead an Advocate representing the petitioner had appeared before the Investigating Officer. Petitioner who has not availed of the opportunity given to him by this court cannot be granted anticipatory bail, particularly having regard to the fact that the offences are grave offences. Accused 3 to 5 are said to be absconding even now. Under these circumstances, I am not inclined to grant anticipatory bail to the petitioner.

This bail application is accordingly dismissed.

V.RAMKUMAR, JUDGE

dsn